IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7555 of 1995

Between:

1 Gangula Trimurthulu, S/o.Venkatarao,
R/o.E.G.Dist., Rampachodavaram Village
2 Malla Rama Rao, S/o.Durga Naidu,
R/o.E.G.Dist., Rampachodavaram Village
3 Ketha Satyanarayana, S/o.Vasanthayya,
R/o.E.G.Dist., Rampachodavaram Village
4 Gubhala Veera Raghavulu, S/o.Pedaveranna,
R/o. Rampachodavaram Village, E.G.Dist.

.....PETITIONER(S)

AND

The Mandal Revenue Officer, Rampachodavaram
Mandal, Rampachodavaram, E.G.Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction declaring the action of the respondent in trying to evict the petitioners is violative of the principles of natural justice violating of Articles 14, 21 and 300 of the Constitution of India.

For the Petitioners: MR. A. SUDERSHAN REDDY, Advocate.

For the Respondent: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition has been filed for the issuance of a writ declaring the action of the respondent-Mandal Revenue Officer, Rampachodavaram in trying to evict the petitioners from the premises situated in main road, Rampachodavaram village, East Godavari District, as illegal and violative of the principles of natural justice.

It is the case of the petitioners that they have been in possession of the above said premises for the last more than 20 years and are conducting petty business for their livelihood by paying encroachment fees to the Gram Panchayat and also by paying electricity consumption charges to the Electricity Department. Their grievance is that the respondent without issuing any notice has highhandedly tried to evict them from the said premises. Hence, the writ petition.

The respondents filed counter-affidavit denying the contention of the petitioners that they have been in possession of the premises in question since 20 years. It is contended that the petitioners encroached the road margins of Rajahmundry – Bhadrachalam road in survey No.47 of Rampachodavarai village, and constructed small rooms and buddies thereon for doing petty business like pan shops, hotels, tailoring shops, etc. According to the respondent, the petitioners having encroached road margins, are squatting over the same, which is causing much inconvenience to the free movement of vehicular traffic and also to the free passage of public. The respondent contends that the petitioners have no right, much less any legal right to continue in possession of the road margins. It is submitted that on the request made by the Roads and Buildings Department to remove the said encroachments for free flow of traffic, the respondent issued notices to the petitioners under Section 7 of the Land Encroachment Act, calling upon them to remove the structures and vacate the premises. Having received the said notices, the petitioners have not given any reply nor vacated the premises. Thus, the respondent prays to dismiss the writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The petitioners admittedly are encroachers of the road margins. Though they

claim that they are paying encroachment fee to the Gram Panchayat and Electricity Consumption charges to the Electricity Department, that by itself does not vest in them any right to continue to squat on the encroached road margins, and more so, when the road margins encroached by the petitioners, it is stated, are causing inconvenience to the free flow of vehicular traffic and also to free passage of the public. This apart, it is the case of the respondent that in spite of issuing notices to the petitioners under Section 7 of the Land Encroachment Act to remove the structures and vacate the road margins, the petitioners have not responded nor vacated the premises. Having regard to the fact that the respondent with a view to ease the vehicular movement, had taken steps to clear the road margins, and in that direction, had taken steps to remove the encroachments existing on the road margins, the petitioners, who admittedly are conducting petty business on the encroached road margins, cannot have any grievance against the clearance of road margins and their removal from the road margins, and more so, such clearance is for the benefit and convenience of the general public.

In the result, the writ petition is devoid of merit, and the same is accordingly dismissed. No costs.

_____

N.V. RAMANA, J

Date: 02-08-2004

Svv

To

1. The Mandal Revenue Officer, Rampachodavaram Mandal, Rampachodavaram, East Godavari District.

2. Two CCs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT).

3. Two CD copies.